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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA DIVISION

THE BOARD OF TRUSTEES, in their capacities  
as Trustees of the LABORERS HEALTH AND  
WELFARE TRUST FUND FOR NORTHERN  
CALIFORNIA; LABORERS VACATION-  
HOLIDAY TRUST FUND FOR NORTHERN  
CALIFORNIA; LABORERS PENSION TRUST  
FUND FOR NORTHERN CALIFORNIA; and  
LABORERS TRAINING AND RETRAINING  
TRUST FUND FOR NORTHERN  
CALIFORNIA,

Plaintiff,

v.

PROTECH SERVICES, INC., a California  
corporation, individually and doing business as  
PROTECH GENERAL CONTRACTING  
SERVICES

Defendant.

No. 12-cv-1047 MEJ

**EX PARTE APPLICATION FOR  
CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE;  
~~(PROPOSED)~~ ORDER**

**TO: THE CLERK OF THE COURT AND DEFENDANT PENINSULA BUILDERS, INC.,  
A California Corporation:**

Pursuant to Civil Local Rule 7-10, Plaintiffs hereby request that the initial Case  
Management Conference scheduled for April 18, 2013 at 10:00 a.m. be continued for ninety days

1 to allow Plaintiffs additional time to prepare and serve a Motion for Default Judgment on  
2 Defendant.

3 Plaintiffs filed its Complaint in this matter on February 23, 2012. Defendant was served  
4 on June 8, 2012. On June 14, 2012, Plaintiffs' counsel was contacted by Defendant's counsel,  
5 Michael M. Noble, who stated that he would be filing an answer. Plaintiffs awaited the filing of  
6 the answer, which never came. On July 2, 2012, Plaintiffs' counsel received an Answer by mail  
7 that had not been filed with the Court. Plaintiffs' counsel made several phone calls to Mr.  
8 Noble's office to notify him of this fact and did not receive a response. On August 6, 2012,  
9 Plaintiff's counsel sent Mr. Noble correspondence letting him know that the Answer had not been  
10 filed and requesting confirmation that Mr. Noble continued to represent the Defendant in this  
11 matter. Mr. Noble did not respond.

12 On October 2, 2012, Plaintiffs requested that the Court enter Defendant's Default. Default  
13 was entered on October 4, 2012.

14 On or around November 16, Plaintiffs' counsel was contacted by telephone by a new  
15 attorney representing Defendant, David. S. Barrett. Plaintiffs attempted on various occasions to  
16 settle this matter with Defendant via Mr. Barrett, as well as to seek payment of the delinquent  
17 amounts from general contractors, with whom Defendant worked.

18 Given that Defendant has stopped responding to Plaintiffs demands for payment or  
19 settlement, Plaintiffs will be filing a Motion for Default Judgment.

20 Given these facts, Plaintiffs request that Case Management Conference be continued for  
21 ninety days in order to allow Plaintiffs additional time to prepare and file this motion.

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1 The above stated facts are set forth in the accompanying Declaration of Concepción E.  
2 Lozano-Batista in Support of Ex Parte Application to Continue Case Management Conference,  
3 filed herewith.

4 Dated: April 12, 2013

5 WEINBERG, ROGER & ROSENFELD  
6 A Professional Corporation

7 By: /s/ Concepción E. Lozano-Batista  
8 CONCEPCIÓN E. LOZANO-BATISTA  
9 Attorneys for Plaintiffs

10 **ORDER CONTINUING CASE MANAGEMENT CONFERENCE**

11 Based upon the foregoing Ex Parte Application for Continuance of Case Management  
12 Order and Declaration of Concepción E. Lozano-Batista in Support of Ex Parte Application to  
13 Continue Case Management Conference, the Court orders a continuance of the Case Management  
14 Conference for <sup>60</sup> ~~90~~ days, ~~or as soon thereafter as a court date is available.~~ until June 13, 2013 at 10:00 a.m. In addition, the Court  
15 orders: that counsel serve defendant and/or his counsel with a copy  
16 of this Order.

17 Dated: April 15, 2013

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HONORABLE MARIA ELENA JAMES  
19 United States District Court Judge

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